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YOUNG & THOMPSON
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Suite 500
Alexandria, VA 22314

EXAMINER

VIZVARY, GERALD C

ART UNIT	PAPER NUMBER
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3684

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10/29/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No. 10/561,918	Applicant(s) PROTTI, PIERO	
	Examiner GERALD C. VIZVARY	Art Unit 3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 & 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In the amendment filed 6/18/2009, the following has occurred: Now, claims 1-28 & 28 are presented for examination.

Response to Arguments

2. In the remarks filed on 6/18/2009, Applicant argues that

(1) Su (US 2002/0026380 A1) is not directed to a method of authorizing mandates of payment. Su (US 2002/0026380 A1) teaches that the shopper must provide the store and/or service provider with data of his credit instrument, e.g. a credit card of a membership card, through a credit card reader.

(2) There is no disclosure that the shopper makes any communication with a service center of a credit issuing institution.

(3) Keech (US 2002/0029342 A1) makes no teaching or suggesting, for example, of a preliminary phase wherein a message is sent from the user's telephone to a radiotelephony message managing device of a service centre of the issuing institution a radiotelephony message comprising a commercial site identification code, as required by claim 1.

(4) There is no motivation to modify Su with Keech.

3. Applicant's arguments filed 6/18/2009 have been fully considered but they are not persuasive.

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In response to **(1)**, Su recites “A shopper may also establish an account through a store operator 47. The store operator 47 upon the request of the shopper 8 may input the shopper's information through a SMS 45.” (Su (US 2002/0026380 A1) ¶ [0049]) The shopper authorizes a mandate by establishing an account.

In response to **(2)**, Su recites “A shopper is preferably recommended to have a membership or establish an account with the ESS 35 of the shopping center 5. With an established membership or account, a shopper 8 may be able to receive expedited service. A shopper 8 can establish an account by using a local ECS 20, by which the shopper is instructed to interact with the ESS 35. More specifically, the shopper is instructed to input information such as name and address and the ESS 35 checks and stores the input information and issues to the shopper, a user identification and password for future accessing services provided by the shopping center.” (Su (US 2002/0026380 A1) ¶ [0049]) thus showing the interaction between the customer and the service provider.

In response to **(3)**, Keech (US 2002/0029342 A1) recites “FIG. 3 shows each step along the process a user would take to register and use the single channel schema. The process is started in step 300 and in step 310 the user contacts the server host of the present invention through a single channel device such as a personal computer, an internet connected hand held device, a cell phone or wireless phone, or any device that may support a web browser via a single communication channel. Upon contact with the

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server or host of the present invention a log on web page containing the interface applet is sent to the user's device. In step two 320 the user is requested to input their user ID and preauthorized credit card or debit card number through an appropriate entry method.”, Keech (US 2002/0029342 A1) ¶ [0090]) thus showing direct contact with the card holder.

In response to **(4)** In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20, 22-25 & 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su US 2002/0026380 A1 in view of Keech 2002/0029342 A1.

As per claim 1 (original) Su US 2002/0026380 A1 discloses a method for authorizing mandates of payment through credit instruments, wherein a user purchases at least one item of goods and/or at least one service in a commercial site in exchange for the payment of an amount of money, the user being the owner of at least one credit instrument, which is issued by an issuing institution (21) and univocally determined by credit instrument identification data, and of a telephone (20), which is provided with the functionality of sending and receiving radiotelephony messages ("A shopper is preferably recommended to have a membership or establish an account with the ESS 35 of the shopping center 5. With an established membership or account, a shopper 8 may be able to receive expedited service. A shopper 8 can establish an account by using a local ECS 20, by which the shopper is instructed to interact with the ESS 35." Su US 2002/0026380 A1 ¶ [0049]),

the method comprising the phases of:

A. the issuing institution checks the validity of the credit instrument ("More specifically, the shopper is instructed to input information such as name and address and the ESS 35 checks and stores the input information and issues to the shopper a user identification and password for future accessing services provided by the shopping center. The information may further include the shopper's credit card(s) information." Su US 2002/0026380 A1 ¶ [0049]), and

Su US 2002/0026380 A1 fails to explicitly teach:

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B. the issuing institution sends to the commercial site a confirmation or refusal of authorization of the mandate of payment, depending on the outcome of the check, the method being characterized in that it comprises the following preliminary phase ("The shopper then confirms the orders and proceeds to pay by selecting button 760. The order information is then send to the ESS 35 for processing. The order processing may include the ESS 35 calculating the total amount due and sending new Web pages requesting payment methods from shopper, the ESS verifying payment methods and settling the payment." Su US 2002/0026380 A1 ¶ [0104]):

C. sending from the user's telephone (20) to a radiotelephony message managing device (22) of a service center (21) of the issuing institution a radiotelephony message comprising a commercial site identification code, the amount of money and/or instrument identification data and/or user identification data and/or telephone identification data, the commercial site identification code and the amount of money being inputted by the user during composition of the message.

Keech US 2002/0029342 A1 teaches "The characters selected from the pseudo-random string form the volatile identification code which is then input into the at least one electronic communications device and transmitted to the electronic computer for verification. Alternatively, the volatile identification code may be transmitted to the electronic computer by way of the specific electronic communication device. If the volatile identification code received by way of the electronic computer corresponds to an expected volatile identification code calculated by the electronic computer applying the

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mask code to the pseudo-random string, a positive identification is taken to have been made.” (Keech 2002/0029342 A1 ¶ [0010])

It would have been obvious to one of ordinary skill in the art at the time of the invention to include sends to the commercial site a confirmation or refusal of authorization of the mandate of payment and commercial site identification code, the amount of money and/or instrument identification data and/or user identification data and/or telephone identification data as taught by Keech 2002/0029342 A1 in the system of Su US 2002/0026380 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 2 (original) Su US 2002/0026380 A1 discloses a method according to claim 1.

Su US 2002/0026380 A1 fails to explicitly teach that the instrument identification data and/or the user identification data and/or the telephone identification data are memorized in the telephone (20).

Keech US 2002/0029342 A1 teaches “Both the electronic computer and the specific electronic communications device will have the mask code stored within their memories but will not communicate the mask code between each other except by way of a secure connection, ideally entirely separate from their normal means of communication.” (Keech 2002/0029342 A1 ¶ [0017])

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It would have been obvious to one of ordinary skill in the art at the time of the invention to include the instrument identification data and/or the user identification data and/or the telephone identification data memorized in the telephone as taught by Keech 2002/0029342 A1 in the system of Su US 2002/0026380 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 3 (original) Su US 2002/0026380 A1 discloses a method according to claim 1, characterized in that the instrument identification data and/or the user identification data and/or the telephone identification data are inputted by the user during composition of the message. ("For example, a local ECS 20 may be a hand-held mobile phone or a mobile laptop compute with sufficiently installed software and hardware. A local ECS 20 of the preferred embodiment may further include input means that accepts audio instruction from a user. In an alternative embodiment, the input means of a local ECS 20 might be a touch sensitive screen." Su US 2002/0026380 A1 ¶ [0042])

As per claim 4 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1.

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Su US 2002/0026380 A1 fails to explicitly teach that the radiotelephony messages are SMS and/or MMS messages.

Keech US 2002/0029342 A1 teaches "Where the specific electronic communications device is a mobile telephone or the like, the pseudo-random string may be transmitted in the form of a text message under the short messaging service (SMS) protocol. Other well-known communications protocols may be employed where appropriate, depending on the nature of the specific electronic communications device." (Keech 2002/0029342 A1 ¶ [0015])

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the radiotelephony messages that are SMS and/or MMS messages as taught by Keech 2002/0029342 A1 in the system of Su US 2002/0026380 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 5 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1, characterized in that the telephone (20) is a radiotelephone. ("In one embodiment of the electronic interface means 62, it is a wired communication port. In an alternative embodiment, an electronic interface means 62 is a wireless communication interface, such as an infrared or radio frequency (RF) wireless communication interface." Su US 2002/0026380 A1 ¶ [0043])

As per claim 6 (original) Su US 2002/0026380 A1 discloses a method according to claim 4.

Su US 2002/0026380 A1 fails to explicitly teach that the telephone (20) is a cellular radiotelephone.

Keech US 2002/0029342 A1 teaches "The process is started in step 300 and in step 310 the user contacts the server host of the present invention through a single channel device such as a personal computer, an internet connected hand held device, a cell phone or wireless phone, or any device that may support a web browser via a single communication channel." (Keech 2002/0029342 A1 ¶ [0090])

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a telephone which is a cellular radiotelephone as taught by Keech 2002/0029342 A1 in the system of Su US 2002/0026380 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 7 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1, characterized in that the commercial site is a commercial site accessible via computer through a network. ("It is an object of the present invention to provide to a shopper a local electronic-shopping (e-shopping) client system, which is

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connected through high speed network to an electronic-commerce server system of the shopping facility, such that the shopper will be able to obtain sufficient products/services information of the shopping facility in a fast, real-time fashion.” Su US 2002/0026380 A1 ¶ [0014])

As per claim 8 (original) Su US 2002/0026380 A1 discloses a method according to claim 7, characterized in that the commercial site is a commercial site accessible via the Internet. (“The ESS 35 is also preferably connected to the Internet 55, whereby at least one remote client system 60, e.g., a home user computer, is connected and able to access the ESS 35. Then the remote client system 60 may carry out e-shopping (electronic shopping) in a similar fashion as a local ECS 20 does.” Su US 2002/0026380 A1 ¶ [0041])

As per claim 9 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1, characterized in that the commercial site is an automatic cash dispenser. (“In an alternative embodiment, they can also be distributed through various locations in the shopping center such as retailer stores, restaurants, banks, and copy center etc.” Su US 2002/0026380 A1 ¶ [0021])

As per claim 10 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1.

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Su US 2002/0026380 A1 fails to explicitly teach that the SMS message managing device is incorporated in the service centre (21) of the issuing institution.

Keech 2002/0029342 A1 teaches "When a person wishes to make a secure purchase, he or she submits the account number to the server, by way of e-mail or through the retailer's website, and the server then transmits the account details and purchase details to the main computer operated by the card issuer as before. An SMS message containing the pseudo-random string is then transmitted to the person's mobile telephone, and the person then causes a volatile identification code to be generated and then submitted to the retailer's server from where it is transmitted to the main computer for verification before the transaction is authorized and funds released."

(Keech 2002/0029342 A1 ¶ [0029])

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an SMS message managing device incorporated in the service centre of the issuing institution as taught by Keech 2002/0029342 A1 in the system of Su US 2002/0026380 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 11 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1.

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Su US 2002/0026380 A1 fails to explicitly teach that the SMS message managing device is a radiotelephony message managing server (22) which communicates with the service centre (21).

Keech 2002/0029342 A1 teaches "A further useful security feature may be provided wherein, after the volatile identification code has been transmitted to the electronic computer for verification and found to match a volatile identification code generated by the electronic computer, the electronic computer may transmit a message to the mobile telephone requesting that the person confirms that the transaction is authorized. The message may be sent in SMS or voicemail format, and may include details of the transaction. Only when the person responds affirmatively to the message by transmitting a confirmatory message from the mobile telephone to the electronic computer is the transaction finally authorized." (Keech 2002/0029342 A1 ¶ [0028])

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a radiotelephony message managing server which communicates with the service centre as taught by Keech 2002/0029342 A1 in the system of Su US 2002/0026380 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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As per claim 12 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1, characterized in that it comprises the following phase after phase C:

D. sending from the radiotelephony message managing device (22) of the service centre (21) to the user's telephone (20) a radiotelephony message comprising an information related to the confirmation or refusal of authorization of the mandate of payment. ("The shopper then confirms the orders and proceeds to pay by selecting button 760. The order information is then sent to the ESS 35 for processing. The order processing may include the ESS 35 calculating the total amount due and sending new Web pages requesting payment methods from shopper, the ESS verifying payment methods and settling the payment." Su US 2002/0026380 A1 ¶ [0104])

As per claim 13 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1, characterized in that the radiotelephony message sent during phase C further comprises a request of authorization of the mandate of payment. ("In step 345, the SMS 45 may close the communication session with the ESS 35. In step 350, the SMS 45 calculates the total amount due and obtains payment from the customer. In step 355, the SMS 45 completes the check-out for the shopper and finishes the transaction. Thus the shopper receives the purchased products or the products are said being delivered to the shopper. In step 360, the SMS 45 is ready for a new check-out session and loops to step 300." Su US 2002/0026380 A1 ¶ [0089])

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Examiner notes that Su US 2002/0026380 A1 uses SMS to refer to the Shopping Management System rather than the short messaging service (SMS) protocol.

As per claim 14 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1, characterized in that it further comprises the following phases after phase C:

E. sending from the radiotelephony message managing device (22) of the service centre (21) to the user's telephone (20) a radiotelephony message comprising at least an information indicative of the commercial site and/or the amount of money ("The order processing may include the ESS 35 calculating the total amount due and sending new Web pages requesting payment methods from shopper, the ESS verifying payment methods and settling the payment." Su US 2002/0026380 A1 ¶ [0104]);

F. the user inputs in the telephone (20) an indication related to the correctness of the information received by means of the message sent by the device (22) during phase E; the phase C being performed only if the user inputs an indication of confirmation of the correctness of the information received by means of the message sent by the device (22) during phase E. ("The shopper then confirms the orders and proceeds to pay by selecting button 760. The order information is then sent to the ESS 35 for processing." Su US 2002/0026380 A1 ¶ [0104])

As per claim 15 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 11, characterized in that the telephone (20) is provided with an

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operating mode for using credit instruments which is selectable by the user. ("More specifically, the shopper is instructed to input information such as name and address and the ESS 35 checks and stores the input information and issues to the shopper a user identification and password for future accessing services provided by the shopping center. The information may further include the shopper's credit card(s) information." Su US 2002/0026380 A1 ¶ [0049])

As per claim 16 (original) Su US 2002/0026380 A1 discloses a method according to claim 15, characterized in that the operating mode comprises operations of checking the user's entitlement based on the input of passwords. ("More specifically, the shopper is instructed to input information such as name and address and the ESS 35 checks and stores the input information and issues to the shopper a user identification and password for future accessing services provided by the shopping center." Su US 2002/0026380 A1 ¶ [0049])

As per claim 17 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 15.

Su US 2002/0026380 A1 fails to explicitly teach that in the operating mode for using credit instruments the user selects a credit instrument.

Keech 2002/0029342 A1 teaches "A person may have more than one account with the card issuer, and may accordingly select or be assigned more than one mask code, one for each account." (Keech 2002/0029342 A1 ¶ [0030])

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It would have been obvious to one of ordinary skill in the art at the time of the invention to include an operating mode for using credit instruments the user selects a credit instrument as taught by Keech 2002/0029342 A1 in the system of Su US 2002/0026380 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 18 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 15, characterized in that it further comprises the following phase prior to phase C:

G. sending from the radiotelephony message managing device (22) of the service centre (21) to the user's telephone (20) a predefined radiotelephony message, comprising blank fields related to the commercial site identification code and/or the amount of money which are filled by the user. ("An ECS Profile Database 110 is used by the shopping center to maintain and monitor the usage log information of local ECSs 20. The database includes a plurality of records, each associated with a different local ECS 20. Each record generally includes fields for a local ECS 20 the ECS's identification assigned by the ESS 35, the IP address assigned by the ESS, the ECS's system configuration information, the location of the ECS and the log information file name." Su US 2002/0026380 A1 ¶ [0057])

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As per claim 19 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 15, characterized in that it further comprises the following phase after phase D:

H saving transaction data in the telephone (20) preferably under selection by the user. ("An ECS Profile Database 110 is used by the shopping center to maintain and monitor the usage log information of local ECSs 20." Su US 2002/0026380 A1 ¶ [0057])

As per claim 20 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 15.

Su US 2002/0026380 A1 fails to explicitly teach that the operating mode for using credit instruments comprises a selectable sub-mode for setting data related to a credit instrument which are memorized in the telephone (20). Keech 2002/0029342 A1 teaches "A person may have more than one account with the card issuer, and may accordingly select or be assigned more than one mask code, one for each account." (Keech 2002/0029342 A1 ¶ [0030])

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a selectable sub-mode for setting data related to a credit instrument which are memorized in the telephone as taught by Keech 2002/0029342 A1 in the system of Su US 2002/0026380 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 22 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1, characterized in that, after phase C, the service centre (21) of the issuing institution transmits to a user's email address an email message reporting the confirmation or refusal of authorization of the mandate of payment. ("The update may involve creating a new record for the new product added to the store or simply modifying certain fields, e.g. increasing the number of units in stock of an existing product. The ESS 35 may then send a confirmation back to the SMS 45." Su US 2002/0026380 A1 ¶ [0092])

As per claim 23 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1, characterized in that the credit instrument is a credit card. ("More specifically,

the shopper is instructed to input information such as name and address and the ESS 35 checks and stores the input information and issues to the shopper a user identification and password for future accessing services provided by the shopping center. The information may further include the shopper's credit card(s) information." Su US 2002/0026380 A1 ¶ [0049])

As per claim 24 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1, characterized in that the credit instrument comprises a magnetic stripe and/or an electronic chip. ("In an alternative embodiment, an external electronic

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device 64 is a Smart Card and a corresponding electronic interface means 62 is a Smart Card reader.” Su US 2002/0026380 A1 ¶ [0043])

As per claim 25 (original) Su US 2002/0026380 A1 discloses a method according to claim. 24, characterized in that the telephone (20) is provided with at least one slot comprising an interface for reading the magnetic stripe and/or the electronic chip of credit instruments so as to read credit instrument data to be inserted in the radiotelephony message sent during phase C. (“The shopping center 5 preferably further includes storage units 68 that may be assigned by the shopping center to customers for storing personal item or purchased items. In the preferred embodiment, an Electronic-commerce Server System (ESS) 35 includes a server engine 70, a plurality of Web pages 72, an Inventory Management Subsystem (IMS) 75, a Customer Management Subsystem (CMS) 80, an Order and Delivery Management Subsystem (ODMS) 85.” Su US 2002/0026380 A1 ¶ [0043])

26-2'7. (canceled)

As per claim 28 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1.

Su US 2002/0026380 A1 fails to explicitly teach that the telephone (20) is provided with an operating mode for using credit instruments which is selectable by the user.

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Keech 2002/0029342 A1 teaches “A person may have more than one account with the card issuer, and may accordingly select or be assigned more than one mask code, one for each account.” (Keech 2002/0029342 A1 ¶ [0030])

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a telephone provided with an operating mode for using credit instruments which is selectable by the user as taught by Keech 2002/0029342 A1 in the system of Su US 2002/0026380 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Su US 2002/0026380 A1 in view of Keech 2002/0029342 A1 in view of Sulla US 2002/0194304 A1.

As per claim 21 (previously presented) Su US 2002/0026380 A1 discloses a method according to claim 1,

Su US 2002/0026380 A1 in view of Keech 2002/0029342 A1 fails to explicitly teach that the radiotelephony message sent during phase C comprises the IMEI (International Mobile Equipment Identity) code of the telephone (20) and in that during phase A the issuing institution checks that the IMEI code corresponds to the user and/or to the radiotelephone and/or to the credit instrument.

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Sulla US 2002/0194304 A1 teaches "FIG. 7 shows an ISS server that would be used in such an embodiment to track requests and broadcast areas. As shown at 701, the IMEI (International Mobile Equipment Identity) of different PSAs (e.g., a cellular telephones) which requested P/S-Info. The IMEIs are used by the network to uniquely identify mobile communication stations; thus, each IMEI can also be associated with an individual user." (Sulla US 2002/0194304 A1 ¶ [0075])

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the IMEI (International Mobile Equipment Identity) code as taught by Sulla US 2002/0194304 A1 in the system of Su US 2002/0026380 A1 in view of Keech 2002/0029342 A1, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable

Conclusion

4. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald Vizvary

/Kambiz Abdi/

Patent Examiner, A.U. 3684

Supervisory Patent Examiner, Art Unit 3684

October 26, 2009